

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DALE HARVEY,

Petitioner,

v.

GARANN ROSE MEANS,

Respondent.

CASE NO. 2:23-cv-1712

MINUTE ORDER ON MOTION FOR
TEMPORARY RESTRAINING ORDER

The following Minute Order is made by direction of the Court, the Honorable Jamal N. Whitehead, United States District Judge:

On November 8, 2023, Petitioner Dale Harvey filed a petition seeking the return of his children to Scotland under the Civil Aspects of International Child Abduction (“Hague Convention”) and the International Child Abduction Remedies Act (“ICARA”). Dkt. No. 1. Harvey also moved for a temporary restraining order (TRO), requesting that the Court issue a TRO against Respondent Garann Rose Means without notice. Dkt. No. 6.

The Court may issue a TRO without notice to the adverse party only if the moving party shows that immediate and irreparable injury will occur before the

1 adverse party can be heard *and* the movant's attorney certifies "any efforts made to
2 give notice and the reasons why it should not be required." Fed. R. Civ. P. 65(b)(1).
3 If these requirements are not met, the petitioner "must serve all motion papers on
4 the opposing party, by electronic means if available, before or contemporaneously
5 with the filing of the motion and include a certificate of service with the motion."
6 LCR 65(b)(1). "Motions for temporary restraining orders without notice to and an
7 opportunity to be heard by the adverse party are disfavored and will rarely be
8 granted." LCR 65(b)(1).

9 After reviewing Harvey's TRO motion and supporting documents, the Court
10 finds that Harvey has not established that a TRO should issue without notice to
11 Means. Harvey has not shown that immediate and irreparable injury will occur
12 before Means may be heard in opposition. *See* Dkt. Nos. 6, 6-2. And his motion does
13 not detail any attempts to serve Means or explain why notice should not be
14 required. *See id.* As a result, the Court will not grant relief without providing
15 Means an opportunity to respond.

16 Accordingly, if Harvey wishes to pursue his TRO, he must serve Means with
17 a copy of his TRO motion papers, including a copy of this order, as soon as possible
18 but by no later than 12:00 p.m. on Tuesday, November 14, 2023. Under Local Civil
19 Rule 65(b)(5), Means "must (1) file a notice indicating whether [she] plans to oppose
20 the motion within twenty-four hours after service of the motion, and (2) file [her]
21 response, if any, within forty-eight hours after the motion is served."
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1 Dated this 9th day of November 2023.

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3 Ravi Subramanian

4 Clerk

5 /s/Serge Bodnarchuk

6 Deputy Clerk
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